



Minutes of the Regular Meeting  
of the Santa Cruz County  
District 3 Board of Adjustment  
January 19, 2023

**APPROVED**  
7/20/2023

Santa Cruz County Board of Supervisors Meeting Room # 120  
2150 N. Congress Drive, Nogales, AZ 85621

**BOARD MEMBERS PRESENT:** Chairman Ron Campana, Vice-Chair Deirdre M. Eshleman, Dean Davis, and Jean Miller  
**MEMBERS ABSENT:** Charlotte Stockton  
**STAFF PRESENT:** Frank Dillion, Community Development Director (Zoom) and Roberto Rojas, Lead Planning and Development Technician.

Chairman Campana called the meeting to order at 2:00 PM. Pledge of allegiance preceded roll call and it was noted for the record that a quorum was present.

Chair Campana ordered a call to the public and, after hearing no response, moved to the first item on the agenda: Case No. VAR-23-3-01 Parcel No. 112-15-001B: A variance request to allow crushed stone on the parking area and driveway for the St. Ann's Parish Hall on a HB-2 (Historic General Business) zoned property located at 2231 E Frontage Rd. Tubac, AZ 85646.

Technician Rojas gave a staff report and presentation for the variance request. He mentioned that the subject property is a developed lot is zoned HB-2 and it is already developed with an assembly/classroom building built on 1966 and the majority of the surrounding lots are developed. He added that in 2000, it was turned into a classroom facility for the Montessori De Santa Cruz Charter School and the parking for these uses have occurred in the open unpaved space around the building and in the few ADA parking spaces.

Technician Rojas mentioned that the school moved out of this building and St. Ann's Parish would like to turn it back to assembly/meeting facility for the church associated functions. He showed the Board a site plan and aerial views explaining the site conditions. He added that existing developments are not entitled to comply with the most current zoning regulations unless there is a change of occupancy or if the property will be re-developed. In this request, the applicant is changing the occupancy of the building from Educational to Assembly Group A-3.

Technician Rojas mentioned that traffic was expected to increase but only the days that the church scheduled special events and not on a daily basis that the request was in compliance with the required parking spaces. He added that the factors in favor to approve the variance were:

1. The request does not conflict with the Comprehensive Plan Medium Density Residential use category;
2. The request will not create an adverse impact to adjacent properties;
3. Not all the commercially zoned property in the vicinity has paving in the driveway or parking areas;
4. The proposed building use is a permitted use in the B2 zoning district.

5. No opposition to date.

He also mentioned that the factors in favor of denial were:

1. No special circumstances have been found at the subject property as defined on Section 603 of the Santa Cruz County Zoning and Development Code.

Community Development recommended approval of the request. However, if the Board chooses to approve the Variance request, staff is recommending the following Conditions:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS §12-1134 signed by the property owner of the subject property within thirty (30) days of approval of the Variance request, otherwise the Variance authorization may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use due to other federal, state, or local laws or regulations;
3. Changes to the approved Variance shall be considered a new application and will require additional review and approval;

Board member Davis asked Technician Rojas Bridge Rd. will be also used to access the property.

Technician Rojas responded that the provided site plan only indicates access through Calle Baca and directed the question to the applicant for further clarification.

Mr. Aaron Klink, the applicant, responded that the access through Bridge Rd is gated and would be an optional entrance/exits depending on the local traffic. He mentioned that during the design they noticed the problem with the parking having to be paved since the owner is a small church and financially was not feasible. He added the applicants' intention is to improve the site conditions with the crush stone and parking bumpers.

Vice-Chair Eshleman asked Mr. Klink if the property owner wasn't selling the building.

Mr. Klink responded that the property owner decided not sell the property and used it for the church associated functions.

Board member Miller asked Mr. Klink if the parking was going to be striped.

Mr. Klink responded that no stripping will be done, the parking bumpers will be the guide for the parking.

Chair Campana asked Mr. Klink if oil will be used as an underlayer of the crushed stone.

Mr. Klink responded that oil will not be used as an underlayer or top coat.

Chair Campana asked Mr. Klink if the ADA parking will be paved.

Mr. Klink responded that yes, ADA parking will be paved.

Chair Campana opened the public hearing and after hearing none, he moved to questions, deliberation and action by the Board.

Board member Davis made a motion, seconded by Vice- Chair Eshleman, to approve the variance request as recommended by staff with the factors in favor of approval constituting the Findings of Fact.

Motion was passed unanimously.

Chair Campana moved to the approval of the July 21, 2022 minutes.

Vice-Chair Eshleman made a motion, seconded by Board member Miller, to approve the July 21, 2022 minutes as presented.

Motion was approved unanimously.

Chair Campana moved to the next item on the agenda: Director's Report.

Director Dillon had nothing to report.

Board member Miller asked if churches are exempt from zoning regulation by the Federal Government and if Board should be hearing requests from churches.

Director Dillon responded that there are certain zoning exemptions for churches, like signage, display of massages but they still need to comply with building code requirements. Churches fall into assembly use category. We still need to review the site development plan and zoning compliance.

Meeting adjourned at 2:27 p.m.

A handwritten signature in black ink, appearing to read "Ron Campana", written over a horizontal line.

Ron Campana – Chairman